

OHURA
Serial No. 10/660,788

Atty Dkt: 4059-14
Art Unit: 3611

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claims 1 3, and 4 for, e.g., overcoming claim objections and rejections under 35 USC §112, second paragraph.
2. Add new claims 13 - 16.
3. Respectfully traverse all prior art rejections.
4. Advise the Examiner of the simultaneous filing of a Petition to Extend.

B. THE CLAIM AMENDMENTS AND NEW CLAIMS

Independent claim 1 has been amended to delete various limitations concerning the seat, and to add a last paragraph which concerns a particular positioning of the storage box relative to an extra rider and to a motorcycle frame. Independent claim 13 resembles independent claim 1 in having a comparable last paragraph limitation, and further includes other limitations directed to motorcycle structure. Support for the last paragraph limitation of independent claims 1 and 13 resides, e.g., the parent specification, page 22, lines 22 to 24, and in the CIP specification, page 27, paragraph [00077]. New dependent claims 14 - 16 arise from original dependent claims 2 - 4.

C. PATENTABILITY OF THE CLAIMS

Claims 1-4 stand rejected under 35 USC 102(b) as being anticipated by Fig. 15 (incorrectly labeled as "Prior Art") of parent U.S. Patent Application 10/058,137 (U.S. Patent Publication 2002/0153693), now abandoned. The rejections are respectfully traversed.

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Even if Fig. 15 of the parent application were arguendo assumed to be prior art, Fig. 15 does not teach or suggest the subject matter of independent claim 1 as now amended and newly presented independent claim 13. Both independent claims 1 and 13 address an entire motorcycle, not just a storage box. Among their limitations, independent claims 1 and 13 concern a particular positioning of the storage box relative to an extra rider and to a motorcycle frame. In this regard, see the last paragraph limitation of independent claims 1 and 13:

the storage box being arranged so that an extra rider, riding astride above the storage box, is seated with ankles positioned at a front side of the helmets (claim 1)

the storage box being arranged so that an extra rider, riding astride above the storage box, is seated with ankles positioned on the floorboard and at a front side of the helmets (claim 13).

Fig. 15 of the abandoned parent application at best shows a storage box in isolation, and does not teach or suggest the particularly claimed positioning of a storage box relative to a motorcycle body.

The claimed storage box and its positioning relative to the motorcycle body as set forth in independent claims 1 and 13 has several advantages. For example, the portion of the storage box even at its maximum width does not interfere with the seat position of the rider or extra rider (see paragraph [00042] of the CIP specification).

Further, a separately meritorious feature of dependent claims 3 and 4 (that the helmets are held side by side across the vehicle width with spherical tops inclined downwards and laterally outward) makes it possible to reduce the width of the storing compartment compared to the configuration where the helmets are put flat, and hence

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facilitates a narrower vehicle body width (see paragraph [00043] of the CIP specification).

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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